

MEMO ENDORSED

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February 4, 2008

BY FEDEX

Honorable Richard M. Berman  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Gelmis v. Cole, et al., Case No. 08-CV-980 (RMB)

Your Honor:

I am an attorney with the Rosen Law Firm, P.A., counsel Plaintiff in the above-referenced securities fraud class action governed by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"). I write to respectfully request that the Court adjourn the initial pretrial conference scheduled for March 10, 2008 at 9:15 a.m. and the consequent requirement to submit a case management plan, until the Court appoints Lead Plaintiff(s) and Lead Counsel, an amended complaint is filed, and Defendants' prospective motion to dismiss has been adjudicated.

Pursuant to the PSLRA, the early notice of this action was published on January 31, 2008. As such, any class member can move the Court to be appointed lead plaintiff provided that the motion is made on or before March 31, 2008. In the interim, Plaintiff believes additional related actions will be filed with this and other courts.<sup>1</sup> Thereafter, as is the usual practice, the Lead Plaintiff(s) will file a consolidated amended complaint. Defendants will then have the option of either: (i) answering the complaint and subjecting themselves to discovery; or (ii) moving to dismiss the complaint, thereby invoking the PSLRA's automatic stay of discovery.

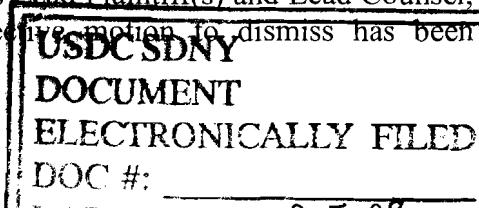
In light of the procedure required by the PSLRA, Plaintiff respectfully requests that the initial pretrial conference scheduled for March 10, 2008 and the consequent requirement to submit a case management plan be adjourned until the Court appoints Lead Plaintiff(s) and Lead Counsel, an amended complaint is filed, and Defendants' prospective motion to dismiss has been adjudicated.

*Application respectfully  
denied. The conference will  
proceed as scheduled.*

SO ORDERED:  
Date: 2/5/08

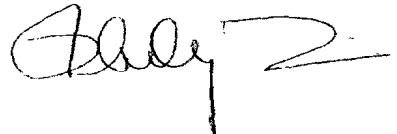
*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

<sup>1</sup> Plaintiff is aware of at least one related action filed in the U.S. District Court for the District of Maryland. Plaintiff anticipates other related actions will be filed in this Court based on press releases issued by law firms announcing this action.



We thank the Court for its consideration of our request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Phillip Kim".

Phillip Kim (PK 9384)